

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MIROSLAW GORTAT, HENRYK BIENKOWSKI  
GREGORY DRELICH, MIROSLAW FILIPKOWSKI,  
ARTHUR LAPINSKI and JAN SWALTEK, on behalf **Docket No. 07-3629**  
Of themselves and on behalf of all other situated,

Hon. Leo Glasser

Plaintiffs,

-against-

CAPALA BROTHERS, INC. PAWEL CAPALA  
And ROBERT Capala

Defendants.  
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**AFFIDAVIT BY GRZEGORZ DRELICH IN BEHALF OF THE DEFENDANTS**

STATE OF NEW YORK        }  
                                      } ss.:  
COUNTY OF KINGS        }

I, GRZEGORZ DRELICH, being duly sworn, deposes and says under the penalty and perjury that:

- 1- I was one of the plaintiffs in the case of MIROSLAW GORTAT, HENRYK BIENKOWSKI GREGORY DRELICH, MIROSLAW FILIPKOWSKI, ARTHUR LAPINSKI and JAN SWALTEK against Capala Brothers, Inc ("Capala"), Pawel Capala and Robert Capala.
- 2- In June 2008, I withdrew from this case and I on this affidavit I am detailing the circumstances and facts concerning my initial participation in the case as well as the circumstances and facts concerning my withdrawal from the case.
- 3- From the beginning, I was being persuaded by Filipkowski ("Filipkowski"), who is one of the plaintiffs in the case, as well as my former co-worker at Capala to join this case. At the time I joined the case, I rented an illegal apartment in the basement from Filipkowski's house, which he divided into two apartments allowing him to rent four apartments in a three-family house.
- 4- I joined the case organized by Filipkowski under a threat of physical injury by him against me as well as under a threat by him evicting me from the apartment in the basement, which I rented from him at that time illegally. Filipkowski told me that he could throw me out from

the apartment any time he wanted because I had not signed a rental lease with him, and I paid rent in cash, so I didn't have any legal rights to live there. In addition, Filipkowski, had physically assaulted me before and I had seen him physically assaulting my friends. Thus, I had a reason to believe that his verbal threats were very real and immediate, and I was afraid that I would not have a place to live as well of physical safety.

- 5- Filipkowski also promised me that if I left Capala and joined his case, he would arrange for me to get a well-paid masonry position with the union, and that we would "get the money from Capala in two or three months and we would get rich quickly" (quoting Filipkowski).
- 6- After I decided to join the legal case, which Filipkowski had been planning for a long time, he told me that he persuaded Artur Lapinski, Henryk Bienkowski, Miroslaw Gortat and Jan Swaltek to join in as well.
- 7- At the beginning of May 2007, I signed documents related to the case at Robert Wisniewski's office, the man providing us with legal representation. During the meeting, I was informed that I would get the money from the case quickly, and also that the case will never find its way to trial because Capala would have to settle and pay the money quickly.
- 8- I never participated in any further meetings at Mr. Wisniewski's office, and I was informed about the subsequent meetings with Mr. Wisniewski from Filipkowski who was the leading mastermind of the case. After each of the subsequent meeting, Filipkowski would inform me about the new matters that had not been mentioned when we started the case, as well as about false facts that were twisted without any limits so that they would fit Mr. Wisniewski's strategy. Filipkowski would assure me at that time that his distortion of the facts would not have any consequences and the priority for him was to get the money quickly. When I started questioning the false facts he was adding to the case, Filipkowski started to threaten me again by saying he would evict me from the apartment (he eventually threw me out on the street anyway), cut off the power supply, disconnect the heating and physically injure me.
- 9- Filipkowski also stated that if I withdrew from case, I would have to cover the costs associated with Mr. Wisniewski's representation of me in the case thus far because I signed the documents. In addition, he slashed the tires on my car and he terrorized me by intercepting the power and the gas supply to the apartment in the basement I rented from him.
- 10- After some time, I had enough of all this, and the facts I was being told I would have to testify to in court or sign my name under, were completely unacceptable to me. I concluded that it was about time to withdraw myself from the case, because I had done enough wrongdoing to Capala by participating in the case, where I worked since 1996 – the longest time of any Capala employees. I have never experienced any wrongdoing by Capala against

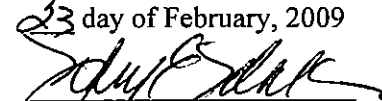
me and I felt like I did not want to have anything to do any longer with the lies and conspiracy of this case, or to be threatened by Filipkowski.

- 11- Observing how Filipkowski was forcing his way, leaving "dead bodies" behind in order to get rich quickly while taking from others, I decided to completely withdraw from the case in June 2008.
- 12- After I informed Mr. Wisniewski about my decision in June 2008 to withdraw from this case, Filipkowski, Henryk Bienkowski, Artur Lapinski, Mirosław Gortat and Jan Swaltek started to intimidate me in order to get me to rejoin the case. At the beginning of July, they all approached me, as a group, in Greenpoint, Brooklyn, after they found out about my whereabouts. They called me names, threatened me, and called me "sell-out and traitor." They kept trying to persuade me to rejoin them. They were also yelling that my brother, Janusz Drelich, caused me to make my decisions and that, according to them, he was the one who persuaded me to withdraw from their case.
- 13- At that time, I also started receiving phone calls from Filipkowski and Artur Lapinski, during which they tried to intimidate me.
- 14- After I changed my phone number and my place of living, I eventually lost any contact with them. However, they found out that I was in touch with Paweł Kopacz, whom Filipkowski knew and started calling him couple times a day in order to obtain information about my whereabouts and my new phone number. He told Paweł Kopacz that "when he finds me, he would break my neck and he would piss in my mouth." Paweł Kopacz told me as well that Filipkowski said to him that he was looking for me in order to get his money back that he allegedly lost because of me and as far as he was concerned, they would "find me in the dumpster."
- 15- Filipkowski started also to threaten Paweł Kopacz saying that if he would not release the information about my whereabouts, something bad can also happen to him as well as to my brother, Janusz, whom Filipkowski blamed for the whole mess.
- 16- Being afraid for my own life as well as for my brother's life and health and that of Paweł Kopacz, on 11/25/2008 I asked my brother, Janusz, to go with me and Paweł Kopacz to the NYC Police in order to file a report to obtain a protection against Filipkowski.
- 17- I made the decision to withdraw from the case against Capala without any pressure from Capala. I was never promised any monetary or other form of compensation, such as a car, which according to Filipkowski and Artur Lapinski, I was to receive from Capala for dropping out from the case. I never received or was told that I would receive any money or other compensation from Capala for my withdrawal from this case.

18- I was never threatened by Robert or Pawel Capala, and the only people that threatened me with regards to this case were Filipkowski and Artur Lapinski. As far as I am concerned, I think that if the other plaintiffs stopped being afraid of this physical abuse and threats from Filipkowski, they would most likely withdraw from this case as well.

  
GRZEGORZ DELICH

Sworn to before me this  
23 day of February, 2009

  
Notary Public

MARY BACH-WALSH  
No. 01WA4771315  
Notary Public, State of New York  
Qualified in Queens County  
Commission Expires 2-30-10